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09/384,882	08/27/1999	JANNE AALTONEN	NC28066	8421

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/384,882

Applicant(s)

AALTONEN ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25-35 and 37-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-35, and 37-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/12/05 have been fully considered but they are not persuasive.

Applicant argues that Traction does not teach optimizing a data signal for output and presenting said optimized signal as output. Additionally applicant argues that the word optimize cited by the office action embodies aspects such as "increasing speed and efficiency, getting the most out of, using best and maximum. Applicants respectfully submit that discussion of reconfiguring or otherwise altering the computer systems operation and or processing of signals fails to disclose teach or suggest any such aspects. (response pages 3-4).

Regarding applicant' argument claims 1, 13, and 27, merely require that the received signal is decoded and optimized for display on a mobile terminal. The claims are silent as to what the optimization may be.

As cited in the previous office action,

<http://dictionary.reference.com/search?q=optimize> defines optimize as Computer Science. To increase the computing speed and efficiency of (a program), as by rewriting instructions. As Tracton discloses (column 10, lines 15-29) that the data is manipulated by the processor (computer executed), transformed or reduced (rewriting instructions) and the results of that manipulation causes the computer to be reconfigured or causes a different processing of the data signals for output (optimization through increased

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efficiency as fewer data bits are required), Tracton teaches that the data is output in an optimal form for that device as a result of the manipulation. Traction clearly executes each step of the above definition and thus teaches optimization of the signal for presentation.

Applicant argues, that Kwoh fails to teach activating the receiver in accordance with service information, but rather Kwoh activates a hard drive, and not a tuner in response to a VPS code (response pages 4-5).

Regarding applicant's argument, Kwoh discloses on column 7, lines 19-22, that the VPS codes contain the program channel, date and start time information. Claim 45 requires the receiver to be activated in accordance with service information. As Kwoh does not activate the receiver's (VCR) functionality until power is supplied to the drive for the cassette in response to service information (VPS code), Kwoh does meet all of the limitations of claim 45.

Applicant argues that Fraccaroli fails to determine a current communications environment and selecting one of a first and second transceiver to provided interactivity with received over the air signals. Applicant suggests that the preferences cited by the examiner refer not to preferences for delivery via WLAN or Bluetooth versus CDMA or GSM, but instead to preferences for whether the message signal is sent to only one of the two mobile stations involved in a match or to both of the mobile stations.

Regarding applicants argument, claim 48 merely requires selecting one of a first and second transceiver to interact with a signal, wherein one receiver is a local transceiver and a second receiver is a mobile station link receiver. Fraccolli clearly determines a communications environment by determining if a user is in the vicinity of another user or object of interest (column 3, lines 19-29), and selects one of a first transceiver and second transceiver to provide interactivity with the received over the air data signals, as Fraccolli discloses that a the user device automatically selects the interface to utilize in accordance with a user preference (column 11, lines 12-29)

Applicant argues that Barton fails to disclose activating a receiver at a time a user wishes to receive broadcast data as the data is already incoming.
(response page 6).

Regarding applicants argument, claim 53, the activation of Barton's functionality (capture, which the examiner equates with receiving, and storage) occurs at a time a user wishes to receive the data (column 10, lines 10-18). Claim 53 is silent as to whether or not the data was already being transmitted to the user or not, and as the receiving (capture) step of Barton does not occur until a time designated by the user, Barton does teach activating and receiving data at a time specified by the user and required by claim 53.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 8, 11, 13, 14, 18, 20, and 21, are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent 6,470,378-B1 to Tracton.

Regarding claim 1, Tracton discloses a method of mobile multimedia terminal interactivity (figures 4/5), comprising the steps of:

requesting information from a digital service provider (web content or MPEG data column 4, lines 24-38, column 5, lines 30-38);

receiving a data signal from said digital service provider over the air (column 7, lines 1-34, wireless transmission to a pager or cell phone)

decoding said data signal for presentation (column 9, lines 45-55):

optimizing said data signal for output (manipulation of the data for display by video system 416 and processor 40, column 10, lines 18-29); and

presenting said optimized signal as output (column 9, lines 48-55).

Regarding claims 4 and 20, Traction discloses a cellular phone that displays MPEG video or web pages.

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Tracton inherently stores the video, as a storage buffer is required to decode MPEG video and webpages prior to display.

Regarding claim 5, Tracton discloses that processor 406 may manipulate the data bits which results in the transformation or reduction of the electrical signal representation (column 10, lines 18-29) and that the MPEG data is manipulated by a processor (column 4, line 63-column 5, line 13).

Regarding claim 8, Tracton discloses that the data signal may be display data on a cellular phone (column 7, lines 26-28).

Regarding claim 11, Tracton discloses that the presenting step involves displaying content on a monitor (column 9, lines 53-55).

Regarding claims 13-14, Tracton discloses a mobile multimedia terminal (figures 4/9) comprising:

at least one receiver 420 connected to receive over the air data signals (column 7, lines 26-28, column 10, lines 4-14);

a controller 406 connected to said receiver to manage and coordinate the functions of said receiver (column 9, lines 6-19);

a display interface 438 connected to a media decoder 416 and to controller 406 to optimize said received over the air data signals for display

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(manipulation of the data for display by video system 416 and processor 406, column 9, lines 45-55, column 10, lines 18-29).

Tracton inherently utilizes a low power radio frequency transceiver connected to said controller to provide an interactive environment with respect to said received over the air data signals as Tracton discloses that the transmission environment is two way (column 4, lines 24-38, column 5, lines 30-38) and that the computing device may be a cellular phone (column 7, lines 26-28).

Regarding claim 18, Tracton discloses in figure 9, that the display device 438 is connected to the multimedia decoder 416 (column 9, lines 49-53).

Regarding claim 21, Tracton discloses that the over the air data signal is display data for a cellular phone web browser (column 7, lines 26-28).

Claims 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,852,478 to Kwoh.

Regarding claim 45, Kwoh discloses a method for power saving comprising:

Deactivating a receiver 44 (column 7, lines 42-52) and

Activating it (column 7, lines 24-41) in accordance with service information (column 7, lines 8-23). Power is saved as power is only supplied to the VCR 44's drive and tuner when a program is being recorded.

Regarding claim 46, Kwoh discloses that programs are stored on a tape cassette 44a (column 7, lines 33-36).

Regarding claim 47, Kwoh discloses that programs are stored on a tape cassette 44a (column 7, lines 33-36).

Kwoh inherently utilizes the stored data on tape cassette 44a, as cassette 44a is the storage medium on which a desired TV program is stored. Cassette 44a would have to be played by VCR 44 in order to display the programming.

3. Claims 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,549,768 to Fraccaroli.

Regarding claims 48-52, Fraccaroli disclose a method for interactivity (column 2, lines 46-67) comprising:

Determining a current communications environment (column 3, lines 1-29, 46-55, column 11, lines 12-29, reading a user preference for mode of delivery of matching message signal)

Selecting one of a first transceiver (WLAN or Bluetooth) and a second transceiver (CDMA or GSM transceiver) to provide interactivity with the received over the air data signals (column 11, lines 12-29)

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Wherein the first transceiver is a local link transceiver (WLAN or Bluetooth transceiver) and the second transceiver is a mobile station link transceiver (GSM CDMA).

4. Claims 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,233,389 to Barton.

Regarding claim 53, Barton discloses a method for data reception comprising:

Activating a receiver at a time a user wishes to receive broadcast data (column 10, lines 10-18),

Receiving data via the receiver (column 10, lines 12-16)

Storing the received data in a memory for later presentation (column 3, lines 63-column 4, line 2).

Regarding claims 54-54, Barton discloses that the data is stored in a buffer and a hard disk simultaneously (column 3, lines 63-column 4, line 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 12, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,233,633 to Douma.

Regarding claims 10, 12, 19, Tracton discloses a portable device with a web browser, which may be a cellular phone or computer, and the phone retrieves MPEG video or web pages.

Tracton does not disclose audio output or MP3 formatted data.

Douma discloses that users may utilize a computing device 100 to access a web server via a browser to download MP3 files which are then played back on the computing device via a soundcard 104 (column 4, line 47-column 5, line 27) thus enabling a user to listen to an audio file without having the physical media.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to download MP3 files and play them back via an audio output as taught by Douma thus enabling a user to listen to music without having the physical playback media.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,724,372 to Bi.

Regarding claim 15, Tracton discloses a portable device with a web browser, which may be a cellular phone or computer; the phone retrieves MPEG video or web pages.

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Tracton does not disclose turning a receiver on and off according to the communications environment.

Bi discloses selectively enabling and disabling a wireless interface according to a communications environment, when the device receives data it is awakened from an off or sleep state, thus conserving battery power (column 8, line 35-column 10, line 47, table 1).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to selectively enable and disable a receiver depending on whether or not communications is occurring as taught by Bi, thus reducing power consumption when no communications are occurring.

7. Claims 6 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,263,505 to Walker.

Regarding claim 6, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

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Tracton fails to disclose combining the data signal with other data to create a display.

Walker discloses an integrated display device 50 which combines a video program along with supplemental information regarding a program for display on a single display 63 (column 7, lines 26-33, column 8, lines 37-52), thus enabling a user to learn more about the program through an optimized display of program content and supplemental information.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to include the combination display of Walker, thus enabling a user to learn more about the program through an optimized display of program content and supplemental information.

Regarding claims 16 and 17, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose utilizing a timing and synchronization manager to receive over the air data signals and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figures 4, 5, column 4, line 55-column 5, line 22, line 34-column 7, line 62). The manager is run on CPU 51 (column 8, line 53-column 9, line 9).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching.

8. Claims 22, 23 and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,263,505 to Walker in further view of U.S. Patent 6,549,786 to Cheung.

Regarding claims 22, 23 and 25, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose the use of a wireless LAN or mobile station transceiver and providing interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching.

Walker fails to disclose the use of a wireless LAN or mobile station transceiver.

Cheung discloses the use of a wireless LAN and wireline LAN, a device selective chooses the proper interface to transmit data on, that is if a wireless node, is unable to be reached, the data is sent via the wireline LAN (column 5, line 61-column 6, line 19, lines 33-46, 66-column 7, line 33), thus ensuring that data would be received by the proper device and enable the use of a mobile device.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Tracton and Walker to utilize the

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wireless LAN/transceiver of Cheung thus ensuring that data would be received by the proper device and enable the use of a mobile device.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,175,739-B1 to Ishii.

Regarding claims 2, 3, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton does not disclose using one of a plurality of wireless links and determining the appropriate wireless link.

Ishii discloses a system in which a base station 10 monitors a number of channels to find an unused channel for data transfer, once the base station find an unused channel data is transferred (figure 2, column 5, lines 1-34).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton to utilize the wireless channel selection of Ishii in order to reduce interference from other wireless traffic.

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10. Claims 7, 9, 26-27, 32-35, 37, 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer.

Regarding claims 7, 9, and 26, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Tracton fails to disclose utilizing the DVB-T format.

Breslauer discloses a WebTV device which includes a DVB tuner 222 for receiving video and audio only broadcasts (column 5, line 11-column 58, column 6, line 51-60).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton to include a DVB-T tuner as taught by Breslauer in order to display DVB-T formatted data in order to take advantage of the higher quality video DVB provides.

Regarding claims 27, and 32-35 Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal

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copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5). Tracton inherently utilizes a low power radio frequency transceiver as Tracton discloses the mobile device may be a cellular phone. Tracton inherently has a service provider as Tracton discloses that the client device connects to a server to receive web and video content.

Tracton does not disclose the use of a broadcast operator.

Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

The examiner takes official notice that transmitting data from a service provider in a television broadcast is well known in the art, for example Internet data in the VBI.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Tracton to utilize the broadcast receiver of Breslauer in order to take advantage of the high speed bandwidth broadcasting provides, and to transmit data along with the broadcast in order to deliver Internet content along with the data.

Regarding claim 37, Breslauer discloses that the IRD 110 may receive audio only content and includes speakers for presenting the audio (column 5, lines 51-59).

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Regarding claims 41 and 44, Tracton discloses that the device may be a cellular phone (column 7, lines 26-34). Tracton inherently utilizes a low power RF transceiver as a cellular phone utilizes RF frequencies.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer in view of U.S. Patent 6,724,372 to Bi.

Regarding claim 28, Tracton discloses a portable device with a web browser which may be a cellular phone or computer; the phone retrieves MPEG video or web pages.

Tracton and Breslauer do not disclose turning a receiver on and off according to the communications environment.

Bi discloses selectively enabling and disabling a wireless interface according to a communications environment, when the device receives data it is awakened from an off or sleep state, thus conserving battery power (column 8, line 35-column 10, line 47, table 1).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Tracton and Breslauer to selectively enable and disable a receiver depending on whether or not communications is occurring as taught by Bi, thus reducing power consumption when no communications are occurring.

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12. Claims 29-31, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer in view of U.S. Patent 6,263,505 to Walker.

Regarding claims 29-31, 38 and 40, Tracton discloses a portable device with a web browser which may be a cellular phone or computer, the phone retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

Tracton and Breslauer do not disclose utilizing timing and synchronization to receive over the air data signals and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton and Breslauer to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching.

13. Claims 39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378-B1 to Tracton in view of U.S. Patent 6,637,027-B1 to Breslauer in view of U.S. Patent 6,263,505 to Walker in further view of U.S. Patent 6,549,7876 to Cheung.

Regarding claims 39, 42 and 43, Tracton discloses a portable device with a web browser which may be a cellular phone or computer which retrieves MPEG video or web pages, a server 302 retrieves requests from client devices, the client devices also inform the server of the client device's bandwidth and processor 106's capabilities which the server utilizes to determine the optimal copy to transmit to a client device, the client device then decodes the web page/video for presentation (column 6, line 60-column 8, line 55, figures 4/5).

Breslauer discloses a WebTV device that includes a DVB tuner 222 for receiving video and audio only broadcasts, the broadcasts are may be transmitted terrestrially (column 5, line 11-column 58, column 6, line 51-60).

Tracton and Breslauer do not disclose the use of a wireless LAN and provide interactivity with the received signals.

Walker discloses a system in which TV broadcast signals and synchronized information are received at a user's set top box, the synchronized

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information utilizes time codes which determine when to display supplemental content such as alternative views, product information or websites where a user can learn more about the content they are watching (Figure 4, 5 column 4, line 55-column 5, line 22, line 34-column 7, line 62).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Tracton and Breslauer to transmit synchronization information to provide additional content as taught by Walker so that a user could learn more about the program they are watching

The combination of Tracton, Breslauer and Walker fails to disclose the use of a wireless LAN.

Cheung discloses the use of a wireless LAN and wireline LAN, a device selective chooses the proper interface to transmit data on, that is if a wireless node, is unable to be reached, the data is sent via the wireline LAN (column 5, line 61-column 6, line 19, lines 33-46, 66-column 7, line 33), thus ensuring that data would be received by the proper device and enable the use of a mobile device.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Tracton, Breslauer and Walker to utilize the wireless LAN of Cheung thus ensuring that data would be received by the proper device and enable the use of a mobile device.

14. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,233,389 to Barton.

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Regarding claim 56, Barton discloses that the data may be stored in a buffer or hard drive 105 (column 3, line 62-column 4, line 2) or backed up on a VCR or DVD recorder (column 12, lines 15-19)..

Barton does not disclose storing the data on a memory card.

The examiner takes official notice that storing received data on a memory card is notoriously well known in the art. For example, smart cards and memory cards provide high capacity storage which is mobile and may be read by a wide variety of devices.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Barton to utilize a memory card for storage, thus providing high capacity storage which is mobile and may be read by a wide variety of devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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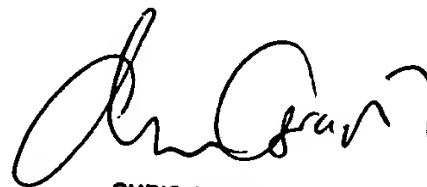
the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT
PRIMARY EXAMINER